

REMARKS

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1, 2, 5-14, 30, 31, 40, 41 and 51-58 are currently pending
- Claims 15-23 and 59-67 are canceled herein
- Claims 1, 2, 30, 40 and 51 are amended herein

[0003] Claims 1, 30, 40 and 51 have been amended to incorporate elements and features from original claim 42. Support for the additional amendments to claims 1, 30, 40 and 51 is found in the specification at least at page 19, lines 12-30 and page 50, line 22 through page 51, line 23. Specifically, support for the inclusion of the elements of clarifying how the advertisements are selected is found at least at page 19, lines 12-30. Support for the clarification regarding demographic characteristics can be found at least at page 50, line 22 through page 51, line 23.

Claims 15-23, 41 and 59-67 Comply With § 112 2nd Paragraph

[0004] Claims 15-23, 41 and 59-67 stand rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite. Applicant respectfully traverses this rejection, but in an attempt to advance prosecution, Applicant has canceled these claims herein. The cancelation of these claims thus rendering the rejection moot.

Cited Documents

[0005] The following documents have been applied to reject one or more claims of the Application:

- E208: Ellis et al., U.S. Patent Application Publication No. 2005/0028208
- Abecassis: Abecassis, U.S. Patent No. 6,038,387
- Knudson041: Knudson et al., U.S. Patent No. 6,536,041

Claims 1-2, 5-11, 30-31, 40-41 and 51-67 Are Non-Obvious Over E208 in view of Abecassis

[0006] Claims 1-2, 5-11, 30-31, 40-41 and 51-67 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over E208 in view of Abecassis. Applicant respectfully traverses the rejection.

Independent Claim 1

[0007] In light of the amendments presented herein, Applicant submits that the rejection of independent claim 1 is moot. Independent claim 1 has been amended to include features and elements not previously examiner by the Examiner. Each of these features and elements are not taught nor suggested by the cited art.

[0008] Specifically, the combination of E208 and Abecassis does not teach or suggest “the remote computer stores advertisements that are selectively inserted between the first and second program segments” wherein the advertisements are selected based on “demographic characteristics of the user”, “a time of day the first and second program segments are presented to the user”, “the predetermined audio and

visual program” and “a genre associated with the predetermined audio and video program” as presently claimed by independent claim 1. Further the cited art fails to teach or suggest that the demographic characteristics comprise: an age of the user, location of the user, occupation of the user, hobbies and interests of the user, programming preferences of the user and products and services in which the user has expressed an interest in.”

[0009] Consequently, the combination of E208 and Abecassis does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 2 and 5-14

[0010] Claims 2 and 5-14 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2 and 5-14 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent claim 30 and dependent claim 31

[0011] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and the cited art does not teach or suggest all of the claimed elements and features of independent claim 30. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of this claim. Further, dependent claim 31 is allowable for at

least the same reasons that independent claim 30 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claim 31.

Independent claim 40 and dependent claim 41

[0012] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and the cited art does not teach or suggest all of the claimed elements and features of independent claim 40. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of this claim. Further, dependent claim 41 is allowable for at least the same reasons that independent claim 40 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claim 41.

Independent claim 51 and dependent claims 52-58

[0013] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and the cited art does not teach or suggest all of the claimed elements and features of independent claim 51. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of this claim. Further, dependent claims 52-58 are allowable for at least the same reasons that independent claim 51 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 52-58.

Conclusion

[0014] Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

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Representative for Applicant

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